

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 18, 2006

DIVISION ONE

B184189 People (Not for Publication)
v.
Setodeh

The judgment is affirmed.

Mallano, Acting P J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B190108 Chino Valley Pathology Medical Group et al.
v.
Doctors' Hospital Medical Center of Montclair et al.

B191450 Chino Valley Pathology Medical Group et al.
v.
Doctors' Hospital Medical Center of Montclair et al.

Filed order consolidating above captioned appeals.

B185673 City of Los Angeles
v.
2000 Jeep Cherokee

B188182 City of Los Angeles
v.
2000 Jeep Cherokee

Filed order consolidating above captioned appeals.

July 18, 2006 (Continued)

DIVISION ONE (Continued)

B191403 City of Pasadena, etc.
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B183266 People v. Johnson
B190616 Darnell M. v. S.C.L.A.
B187811 Children and Family Services v. Lupe C.

Argument waived, cause submitted.

B181473 Romer, et al.
 v.
 Labor Ready, Inc., et al.

Merits:

Argued by Richard H. Nakamura for appellants and by David Ongaro for respondents. Cause submitted.

B185024 People
 v.
 Rosales

Merits:

Argued by Mark Anthony Davis for appellant and by Susan Sullivan Pithey, Deputy Attorney General for respondent. Cause submitted.

DIVISION THREE (Continued)

B185797 Activities Club, et al.
 v.
 Jones Management-Sunset, Inc.

Merits:
Argued by Samuel Jackson for appellants and by Cathy L. Arias for respondents. Cause submitted.

B175465 Theodore Insurance Agency, Inc.
 v.
 Morady, et al.

Merits:
Argued by Daniel J. Spielfogel for appellant and by Deborah K. Perlman for respondent. Cause submitted.

B176575 Amari, et al.
 v.
 Mathai, et al.

Merits:
Argued by James Treadwell for appellants and by Valerie Horn for respondents. Cause submitted.

B186335 Glover
 v.
 Superior Court, Los Angeles County
 (Dentsply International, Inc., r.p.i.)

Merits:
Argued by Paul Nelson for petitioner and by Lisa Jaskol for real party in interest. Cause submitted.

July 18, 2006 (Continued)

DIVISION THREE (Continued)

B183713 Hernandez
 v.
 Hillsides, Inc., et al.

Merits:
Argued by Mark S. Eisenberg for appellant and by Holger C. Besch for respondents. Cause submitted.

B179288 People
 v.
 Aguilar, et al.

Merits:
Argued by Neil J. Rosenbaum and Tracy Dressner for appellants and by Ellen Birnbaum Kehr, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 1:45 p.m.

Court reconvened at 2:00 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B182608 People v. Vejar
B188122 People v. McIntyre
B188965 Children and Family Services v. Gregory B.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B185150 People
 v.
 Fuller

Merits:

Argued by William Flenniken, Jr. for appellant and by Allison H. Chung, Deputy Attorney General for appellant. Cause submitted.

B182984 KWI 7080 Hollywood Blvd., LP
 v.
 City of Los Angeles, et al.

Merits:

Argued by Gary Mobley for appellant and by Kim Rodgers Westhoff, Deputy City Attorney for respondents. Cause submitted.

B180153 Zevallos
 v.
 California Fair Plan Association

Merits:

Argued by Steven Zelig for appellant and by Richard B. Wolf for respondent. Counsel for the respondent to submit supplemental letter brief by July 28, 2006, reply due by the appellant on August 7, 2006. Submission deferred.

B183172 Cabello, et al.
 v.
 City of Long Beach

Merits:

Argued by Stevan Colin for appellants and by Monte H. Machit, Deputy City Attorney for respondent. Cause submitted.

DIVISION THREE (Continued)

B181837 ACS Systems, Inc., et al.
 v.
 The St. Paul Fire and Marine Insurance Company, et al.

Merits:
Argued by Franklin Tatum for appellants and by Charles Spevacek for respondents. Cause submitted.

B182578 Crystal S.
 v.
 Superior Court, Los Angeles County
 (Children and Family Services, r.p.i.)

Merits:
Argued by Molly L. Walker for petitioner and by Jerry Custis, Deputy County Counsel and John Cahill for real parties in interest and by Jenny Cheung and Cameryn Schmidt for the minor respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B183205 First Baptist Church of Downey et al. (Not for Publication)
 v.
 Marcos Morales and Retail Plus

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

July 18, 2006 (Continued)

DIVISION FOUR (Continued)

B184907 LLP Mortgage, Ltd. (Not for Publication)
v.
B. Gordon Bizar et al.

The order awarding costs is affirmed. Respondent(s) to recover costs.

Hastings, J. (Assigned)

We concur: Epstein, P.J.
Manella, J.

B186422 Cruz (Not for Publication)
v.
Montano et al.

The judgment is reversed. Appellant(s) to recover costs.

Epstein, P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

B183169 Solano (Not for Publication)
v.
County of Los Angeles et al.

The order is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Hastings, J. (Assigned)

DIVISION FOUR (Continued)

B188323 Sagehorn et al. (Certified for Partial Publication)
 v.
 Engle

The judgment is reversed and the trial court is directed to enter judgment in favor of defendant Michael Engle on the basis that plaintiffs' section 12(a)(1) claims are barred by the one-year statute of limitations found in section 13. Defendant is to recover his costs on appeal

Willhite, J.

We concur: Epstein, P.J.
 Suzukawa, J.

B184408 People (Not for Publication)
 v.
 Clausen

The judgment is affirmed in part, reversed in part, and remanded to the trial court to strike the \$1400 restitution fine, leaving in force the \$200 restitution fine originally imposed, to reduce the parole revocation fine to \$200, to strike the second \$20 security fee, leaving in force the first \$20 security fee imposed, and to prepare an new abstract of judgment and to prepare a new abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation.

Manella, J.

We concur: Epstein, P.J.
 Suzukawa, J.

July 18, 2006 (Continued)

DIVISION FOUR (Continued)

B185731 Los Angeles County, D.C.S. (Not for Publication)
 v.
 M.H.

The appeal in B185731 is dismissed as moot. The order denying mother's section 388 petition in B188257 is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Hastings, J. (Assigned)

DIVISION FIVE

B186602 People (Not for Publication)
 v.
 Michael K.

The wardship order is affirmed. The minor's maximum physical confinement time is modified to three years, two months. The dispositional order is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

B185097 People (Not for Publication)
 v.
 Robinson

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

July 18, 2006 (Continued)

DIVISION SIX (Continued)

B182346 People (Certified for Publication)
v.
Celis

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B182206 Alkana (Not for Publication)
v.
Le Vine Family Trust

The judgment is affirmed. Respondents shall recover from appellant their costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

July 18, 2006 (Continued)

DIVISION SIX (Continued)

B183983 Kammerer
v.
Kammerer

Filed order denying petition for rehearing.

DIVISION SEVEN

[illegible]

The appeal is dismissed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B170759 People (Not for Publication)
v.
Patino

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B179017 People (Not for Publication)
v.
Rayford et al.,

As to each appellant, the gang enhancement under section 186.22 and the firearm enhancements under section 12022.53 are set aside. As to each appellant, the sentence is modified to delete the 20-year enhancement imposed on each of the attempted murder counts under section 12022.53, subdivision (c). The clerk of the superior court is directed to prepare a modified abstract of judgment as to each appellant and to forward it to the Department of Corrections. As so modified, the judgments are affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B184599 In re Jemmy Su Gov (Not for Publication)
On
Habeas Corpus

The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

B183731 Valero (Not for Publication)
v.
Hagan

The judgment is reversed. Appellant(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

July 18, 2006 (Continued)

DIVISION SEVEN (Continued)

B186028 Hawkins (Not for Publication)
v.
City of Los Angeles et al.,

The judgment is reversed and the cause is remanded to the trial court with directions to enter a new judgment granting appellant's petition for a writ of mandate. Appellant is awarded his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B183474 Rebele et al., (Not for Publication)
v.
EVP Fourth Corporation et al.,

The order denying the motion for class certification is reversed and the cause is remanded to the trial court with directions to grant the motion except as to the fraud cause of action. Appellants are awarded their costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B179790 Ultramet, Inc., (Not for Publication)
v.
Scottsdale Insurance Company

The judgment is reversed and the cause is remanded to the trial court for further proceedings consistent with this opinion. Appellant is entitled to recover its costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (Continued)

[illegible]

Probation condition 16 is modified to read, "Do not have any dangerous or deadly weapon in your possession, nor remain in the presence of any person known to you to be unlawfully armed." As modified the juvenile court's order is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B186406 Crusader Insurance Co., et al., (Not for Publication)
v.
Certain Underwriters at Lloyd's, London, Policy No. L85259

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B179284 People (Not for Publication)
v.
Blades

The court's order of no presentence conduct credits is reversed. The cause is remanded to the trial court with directions to determine the good time/work time credits to which appellant is entitled to under section 4019 from and after the date no which he was declared competent to stand trial. In all other respects the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (Continued)

B190380 Jose B., Sr., (Not for Publication)

V.

Superior Court, Los Angeles County
(Los Angeles County D.C.S., et al., r.p.i.)

The petition is denied.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B180503 People v. Hernandez (Not for Publication)

B188073 In re Javier Hernandez on Habeas Corpus

The judgment is affirmed. The trial court is directed to correct Hernandez's abstract of judgment to reflect its imposition of the court security fee and to forward a copy of the amended abstract of judgment to the Department of Corrections. The petition for habeas corpus is summarily denied.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B186341 Los Angeles County, D.C.S. (Not for Publication)

V.

Angel E.,

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B189792 Carmen M., (Certified for Publication)

v.

Superior Court, Los Angeles County
(Los Angeles County D.C.S., r.p.i.)

Petition for writ of mandate is denied. Pursuant to California Rules of Court, rule 249b)(3) this decision is final on filing. However, the stay of the juvenile court's order that Carmen M. submit to drug testing, issued on April 6, 2006, will remain in effect for 20 days to permit Carmen M. to seek relief from the Supreme Court.

Perluss, P.J.

We concur: Johnson, J.
Zelon, J.

B187478 People
v.
James P.

B191820 People
v.
James P.

Filed order consolidating above captioned appeals.

B188140 People
v.
Lopez

B189072 People
v.
Lopez

Filed order consolidating above captioned appeals.

DIVISION EIGHT

B182747 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Wilbert S.,
 In re Damonique S., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
 Flier, J.

B178712 Mark Penniman
 v.
 Lisa Simone Kelly

Filed order denying petition for rehearing.